

CRP(MD). No.2041 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 12/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.2041 of 2025 and
CMP(MD) No.11827 of 2025**

1. R.Ranigayathiri Devi,

2. R.Vikram Pandian

... Petitioners

Vs

1. Pannirandu Vagayara Konarukku
Paathiyapatta Kalmandapam Trust,
Through its President B.Subramanian,
S/o.Late. Palanichamy Konar,
96,South Street, Palanganatham,
Madurai-3

2. Pannirandu Vagayara Konarukku,
Paathiyapatta Kalmandapam Trust,
Through its Treasurer S.Pitchai
S/o.Late. Sonai Konar,
90/b-3, Arunthathi Complex,
Arul Nagar, Bye Pass Road, Madurai 10

3. Pannirandu Vagayara Konarukku,
Paathiyapatta Kalmandapam Trust,
Through its Secretary P.Alagarsamy
S/o.Late. Peya Konar, 50, South Street,
Palanganatham, Madurai-3.

... Respondents



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PRAYER :-Civil Revision Petition filed under Section 25 of the TN Buildings (Lease and Rent) Control Act, against the judgment and decree dated 13-08-2024 made in RCA No.28/2020 on the file of the Principal Subordinate Judge, Madurai (Rent Control Appellate Authority) in R.C.O.P.No.260/2012 on the file of Principal District Munsif (Rent Controller), Madurai and set aside the same as illegal.

For Petitioner : Mr.B.A.Muruganantham

For Respondents : Mr.H.Arumugam
No appearance for R2 to R5

ORDER

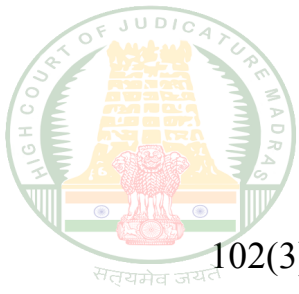
This Civil Revision Petition is filed against the judgment and decree dated 13-08-2024 made in RCA No.28/2020 on the file of the Principal Subordinate Judge, Madurai (Rent Control Appellate Authority) in R.C.O.P.No.260/2012 on the file of Principal District Munsif (Rent Controller), Madurai.

2. The petitioners are the tenants under the respondents. Initially the petitioner's father-in-law entered as a tenant in the year 1977 and after his death, the petitioner's husband recorded as a tenant. However, the respondents landlords refused to allow the petitioner's father-in-law



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and the petitioner's husband to make construction in the vacant site and therefore, the petitioners filed OS No.125/1997 against the development made by the petitioner's husband and his father and the said suit was decreed in their favour and thereafter construction was made and the petitioner's husband continued as a tenant with the respondents. Initially injunction was granted and subsequently the said suit was not contested by the petitioner's father-in-law and the petitioner's husband and it was disposed of without any contest. The petitioner's father-in-law filed RCOP No.124/1997 and the petitioner's husband filed RCOP No. 125/1997 for depositing the rental arrears directly to the respondent administrators into the Court and the same were dismissed vide order dated 13.12.2000 against which the petitioner's father-in-law and her husband filed appeal before in RCA Nos.28 and 56/2001 and the order of the rent control authority was set aside and the matter was remitted back to the rent controller on 25.08.2003. Subsequently, the respondents filed RCOP No.75/1998 for eviction on the ground of wilful default and onerous occupation and subsequently renumbered as 481/2004 and the same was dismissed on 01.09.2007. Thereafter, the present eviction proceedings in RCOP No.260/2012 was filed under Section 10(2)(i) and



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102(3)(a)(iii) of the Tamil Nadu Buildings (Lease and Rent Control)

Act, for wilful default and onerous occupation and the same was allowed in their favour against which the petitioners preferred appeal before the rent control appellate tribunal cum Principal Sub Court, Madurai in RCA No.28/2020 and the same was dismissed on 13.08.2024 against the concurrent finding, the present civil revision petition has been filed.

3. The learned counsel for the petitioners would submit that as per the original lease agreement between the respondents and the first petitioner's father-in-law and her husband make it clear that the said site was leased out in favour of the petitioner's husband only as a vacant site in respect of vacant site, no RCOP is maintainable and a civil suit alone is maintainable. However in respect of the vacant site, the respondents filed RCOP for eviction and the same was confirmed by the lower appellate Court, which is not sustainable. Accordingly, he prays for interference.

4. Per contra, the learned counsel for the respondents would submit that the respondents leased out the property along with building and



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vacant site and subsequently the petitioner's father-in-law and her husband filed RCOP Nos.125/1997 and 124/1997. When the petitioners themselves agreed and subjected themselves in rent control proceedings, in the Civil Revision Petition a new plea was taken as if for vacant site, no rent control proceedings is maintainable, which is a clear case of promissory estoppel, which is impermissible and such a pleading was neither pleaded before the rent control authority nor before the appellate authority and hence, a new plea raised before this Court is impermissible. It is further submitted that the onerous occupation is clearly demonstrated before the trial Court and the building is a Kalmandapam and other buildings constructed are required for performing Seva to Koodal Azhagar Perumal Temple for every year and the respondents are finding it difficult to use it as Mandagapadi and further the petitioners have not paid any arrears of rent. Therefore, the tribunal order need not be interfered with. Accordingly, prays for dismissal.

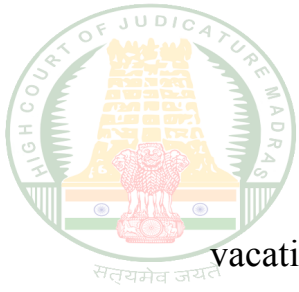
5. The petitioners are the tenants and the respondents are the Administrators of the lands. It is clear that when the petitioners themselves agreed and subjected themselves in rent control proceedings,



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a new plea taken in this petition as if for vacant site, no rent control proceedings is not sustainable one and it is a clear case of promissory estoppel, which is impermissible. It is also to be noted that such a pleading was neither pleaded before the rent control authority nor before the appellate authority and the owners occupation has been clearly demonstrated before the trial Court by the landlords. From the perusal of the records, it is seen that the building is a Kalmandapam, which itself shows that it is not a vacant site. It is also seen that the buildings constructed therein are required for performing Seva to Koodal Azhagar Perumal Temple and it is used as Mandagapadi. It is also seen that the petitioners have defaulted in paying rent. Therefore, the Courts below have discussed all in detail and had given a finding in favour of the landlords and hence, the order of the appellate authority need not be interfered with.

6. Accordingly, the Civil Revision Petition is dismissed. However, the petitioners being the tenants and are in occupation of the premises for more than three decades, three months time is granted to vacate the premises in question. However, if the petitioners commit any default in



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vacating the premises within the aforesaid period, the respondents are at liberty to move the jurisdictional police for initiating eviction process.

No costs. Consequently connected Miscellaneous Petition is closed.

12.08.2025

NCC : Yes/No

Index : Yes/No

RR

TO

- 1.The Principal Subordinate Judge, Madurai (Rent Control Appellate Authority)
2. Principal District Munsif (Rent Controller), Madurai
- 3.VR Section
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
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Date : 12/08/2025